IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE B.PRAKASH RAO**

**WRIT PETITION No: 19819 of 2003**

Between:

DR Colonel Ramesh Chander Krishna, Viswanath (10283- A), S/o. Sqn Ldr KV Pillai, Army Dental Corps Commanding
Officer Military Dental Centre (GL), Secunderabad.

**..... PETITIONER**

AND

1 The Government of India, rep. by Defence Secretary, Ministry of Defence, New Delhi.
2 Director General of Armed Forces (DGAFMS), M Block, New Delhi - 11011.
3 Adjutant General, Sena Bhavan, New Delhi.
4 Director General, Medical Services (DGMS)(Army) L Block, Defence Head Quarters PO, New Delhi.
5 Director General, Dental Services (DGDS) L Block Defence Head Quarters PO, New Delhi.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent in not giving promotion to the petitioner as Brigadier and further grading him as "R" in Proceedings No. 01098/SB(M)No.2/2003/DGAFMS/DENTAL-1, dated 05.09.2003 and not following due procedure laid down in Letter No. 9(2)/92-D (Med) of Government of India,

Ministry of Defence, dated 26.02.1996 as illegal, arbitrary and against the promotion policy and declare the selections made in Board No.2, which met on 31.07.2003, as illegal and set aside the same and consequently further direct the respondents to promote the petitioner from the rank of Colonel to Brigadier as per his confidential reports available as on December, 2002.

**Counsel for the Petitioner: MR.A.RAMAKRISHNA**

**Counsel for the Respondents: Standing Counsel for Central Government.**

The Court made the following:

**ORAL ORDER:-**

Learned counsel appearing for the petitioner seeks permission of this Court to withdraw the Writ Petition.

Permission is accorded.

Accordingly, the Writ Petition is dismissed as withdrawn. No costs.

**B. PRAKASH RAO, J**

Date: 04.03.2005

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To

1 The Defence Secretary, Government of India, Ministry of Defence, New Delhi.
2 The Director General of Armed Forces (DGAFMS), M Block, New Delhi - 11011.
3 The Adjutant General, Sena Bhavan, New Delhi.
4 The Director General, Medical Services (DGMS)(Army)
L-Block, Defence Head Quarters PO, New Delhi.
5 The Director General, Dental Services (DGDS) L-Block Defence Head Quarters PO, New Delhi.

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